

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
DECEMBER 4, 1963

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, December 4, 1963. Councilman Brown, Culbertson, Dow, Ullmann and Katzakian present. None absent.

Also present: City Manager Graves, City Attorney Mullen and Planning Director Rodgers.

MINUTES

Minutes of November 20, 1963 were approved as written and mailed on motion of Councilman Brown, Culbertson second.

PUBLIC HEARINGS

APPEAL RE DOYLE
VARIANCE AT
810 N. HAM LANE

Notice thereof having been published in accordance with law, Mayor Katzakian called for hearing on the appeal of Louis Heinrich, Fred P. Wohl and Carl Simpfinderfer from the decision of the City Planning Commission in approving the request of Mr. Thomas J. Doyle for a variance to reduce the required front yard from 23 feet to 21 feet, 10 inches for a house to be located at 810 North Ham Lane. The City had received no communications regarding the appeal.

Mr. Carl Simpfinderfer, 827 Louie Avenue, said when he built his house he had to move the forms two feet back so that his house would line up with the other houses and he felt Mr. Doyle should be required to do it also. Mr. Fred Wohl, 807 Louie Avenue, and Mr. Louis Heinrich, 821 Louie Avenue, objected to having the Doyle house encroach into the yard area and said Mr. Doyle should be made to comply with the regulations. Mr. Tim Bertsch, 653 Daisy Avenue, said it had cost him over \$1,000 to correct the mistake in foundations on Pacific Avenue and he could not see how the situation of Mr. Doyle differed from his. Mr. Rudolph Rush, 812 Louie Avenue, stated he was not allowed to extend his garage into the front yard area, and the law should be the same for all.

Mr. Tom Doyle, 333 South Fairmont Avenue, spoke against the appeal, saying that all details for moving the house to the present site had been worked out beforehand and that he had no intention of being haphazard about placing it on the lot. He had lined the house up with the poles on the porch of one of the houses to the east and thought he was one foot north of the required setback. He felt that his request differed from Mr. Bertsch's since all the houses on Pacific Avenue were in alignment and those on Louie Avenue are not, and further, that Mr. Bertsch was in error five feet compared to one foot for his property. He said that the fourteen-inch encroachment was too small to justify spending \$600 to move the house and correct the forms and the delay would be costly also. Mr. Bob Little, 742 Louie Avenue, said he had no objection to the variance.

Councilman Dow said the fact that Mr. Bertsch had to comply with the setback requirement and that Mr. Simpfinderfer had moved the forms for his house should not be compared with the present situation. He felt that the fourteen-inch discrepancy was not sufficient reason to deny the variance. Councilman Culbertson stated the twenty-three-foot setback had

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been agreed upon by the City and Mr. Doyle, and he felt there was not sufficient hardship to justify granting a variance. Mayor Katzakian was disturbed because there was a violation, and if it were allowed it would be setting a precedent. Stating the definition of hardship was based on the physical conditions of a lot, Councilman Culbertson moved that the appeal be granted and the decision of the City Planning Commission be overruled thereby denying a variance to reduce the front yard requirement at 810 North Ham Lane. The motion was seconded by Councilman Brown and carried, with Councilman Dow casting a dissenting vote.

COMMUNICATIONS

STORM WATERS ON ELGIN AVE.

A petition was received from property owners along Elgin Avenue and a portion of Academy Street asking the Council to provide some kind of storm drainage for the area. City Manager Graves said that at one time the City was able to drain into the vineyard south of the tract but since the property has been developed by Mr. William Nathan it is no longer able to do this. He said he would discuss the drainage problem with the Public Works Director to see if it could be alleviated to some extent.

BARSTOW RE FACILITIES ON INTERSTATE SYSTEM

A letter was presented from the City of Barstow, California, asking the City to express opposition to a bill in the Congress which would permit States to allow certain service facilities to be constructed or located on the rights of way of the Interstate System. The Council ordered the matter tabled for further study.

COUNTY RE MAINTENANCE OF RR CROSS- ING SIGNALS

Concerning the letter received from the County on the maintenance of railroad crossing devices, Mr. Graves said that the County would like the City to support the County's expression to the State Public Utilities Commission that the railroad companies accept their obligation of maintaining automatic protective devices at railroad crossings. He recommended that the Council go on record as objecting to the recent tendency of the railroads to require counties and cities to share in such maintenance costs. Councilman Dow moved that a letter be written to the Public Utilities Commission expressing the City's opinion that the railroads should be obligated to maintain crossing devices. The motion was seconded by Councilman Ullmann and carried.

GREETINGS FROM KOFU

A card expressing best wishes of the season was received and acknowledged from Mayor Keijiro Takano of Kofu.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$157,365.37 were approved on motion of Councilman Dow, Culbertson second.

SPECS - CARS

Specifications for one compact station wagon and one four-door sedan were approved and advertising for bids authorized on motion of Councilman Dow, Brown second.

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SPECS - TRUCKS

Specifications for a line truck cab and chassis and a truck for the water and sewer crew were approved and call for bids authorized on motion of Councilman Dow, Culbertson second.

GAS TAX FUNDS
FOR FAIRMONT
AVENUERES. NO. 2684
ADOPTED

Mr. Graves presented a request that \$80,000 be budgeted from the gas tax funds for major streets for the improvement of Fairmont Avenue from Lodi Avenue to Kettleman Lane. The reason for making the request at this time is that new regulations on the use of gas tax funds will be effective after the first of the year and under these regulations Fairmont Avenue will no longer be eligible for use of such funds. Since this street should be improved within the near future, the City Manager recommends that it be included in the Major Streets Budget for 1963-64 so that Gas Tax Funds can be used. Councilman Dow moved the adoption of Resolution No. 2684 amending the Major Streets Budget for 1963-64 by including Fairmont Avenue from Lodi Avenue to Kettleman Lane and authorizing the execution of the Project Statement thereon by the Public Works Director for submission to the State Division of Highways. The motion was seconded by Councilman Culbertson and carried.

PLANS FOR
DISPOSAL PLANT
AREA AUTHORIZED

A drawing of the sewage disposal plant area was shown to the City Council. They discussed the plans for the Corporation Yard and the area reserved for park facilities. Mr. Graves suggested that designs be prepared utilizing the park area for a retention basin in the event the ponding plan of storm drainage (which includes a basin at this location) is adopted. He said that plans could be prepared at a cost of \$2500 to \$2800. Councilman Dow moved that the City Manager be authorized to have plans drawn for the sewage disposal plant property. The motion was seconded by Councilman Brown and carried. Mr. Graves said he would contact Blair and Westfall and Mr. Paul Tritenbach to do the work.

FREEWAY
LANDSCAPING

The Council then reviewed the State plans for landscaping the bypass. The plans presented are considered functional and do not require that the City adopt a billboard ordinance. There was some discussion regarding billboards and their value to the local merchants as compared to an attractive freeway. No action was taken.

Mayor Katzakian suggested that the Council adjourn in memory of the late President John F. Kennedy, and Councilman Dow so moved with Councilman Brown seconding the motion which carried unanimously.

Beatrice Garibaldi
Attest: BEATRICE GARIBALDI
City Clerk